

32B-6-905 Specific operational requirements for a beer-only restaurant license.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee shall comply with this section.
 - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a beer-only restaurant licensee;
 - (ii) individual staff of a beer-only restaurant licensee; or
 - (iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.
- (2)
 - (a) A beer-only restaurant licensee on the licensed premises may not sell, offer for sale, furnish, or allow consumption of liquor.
 - (b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:
 - (i) as a flavoring on a dessert; and
 - (ii) in the preparation of a flaming food dish, drink, or dessert.
- (3) In addition to complying with Section 32B-5-303, a beer-only restaurant licensee shall store beer in a storage area described in Subsection (12)(a).
- (4)
 - (a) An individual who serves beer in a beer-only restaurant licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab required by this Subsection (4) shall list the type and amount of beer ordered or consumed.
- (5) A person's willingness to serve beer may not be made a condition of employment as a server with a beer-only restaurant licensee.
- (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer, except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.
- (7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include a service charge.
- (8)
 - (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except after the beer-only restaurant licensee confirms that the patron has the intent to order food prepared, sold, and furnished at the licensed premises.
 - (b) A beer-only restaurant shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (9) A patron may not have more than two beers at a time before the patron.
- (10) A patron may consume a beer only:
 - (a) at:
 - (i) the patron's table;
 - (ii) a grandfathered bar structure; or
 - (iii) a counter; and
 - (b) where food is served.
- (11)
 - (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to a patron, and a patron may not consume an alcoholic product at a bar structure.

- (b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who is 21 years of age or older may:
 - (i) sit;
 - (ii) be furnished a beer; and
 - (iii) consume a beer.
- (c) Except as provided in Subsection (11)(d), at a grandfathered bar structure, a beer-only restaurant licensee may not permit a minor to, and a minor may not:
 - (i) sit; or
 - (ii) consume food or beverages.
- (d)
 - (i) A minor may be at a grandfathered bar structure if the minor is employed by a beer-only restaurant licensee:
 - (A) as provided in Subsection 32B-5-308(2); or
 - (B) to perform maintenance and cleaning services during an hour when the beer-only restaurant licensee is not open for business.
 - (ii) A minor may momentarily pass by a grandfathered bar structure without remaining or sitting at the bar structure en route to an area of a beer-only restaurant licensee's premises in which the minor is permitted to be.
- (12) A beer-only restaurant licensee may dispense a beer only if:
 - (a) the beer is dispensed from an area that is:
 - (i) a grandfathered bar structure; or
 - (ii) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart from an area used for dining, for staging, or as a lobby or waiting area;
 - (b) the beer-only restaurant licensee uses a beer that is:
 - (i) stored in an area described in Subsection (12)(a); or
 - (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
 - (A) immediately before the beer is dispensed it is in an unopened container;
 - (B) the unopened container is taken to an area described in Subsection (12)(a) before it is opened; and
 - (C) once opened, the container is stored in an area described in Subsection (12)(a); and
 - (c) any instrument or equipment used to dispense the beer is located in an area described in Subsection (12)(a).

Amended by Chapter 353, 2013 General Session